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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,605	01/24/2002	Steven Yellin Schondorf	201-0378 FAM	9340
28549	7590	02/10/2006		
KEVIN G. MIERZWA ARTZ & ARTZ, P.C. 28333 TELEGRAPH ROAD, SUITE 250 SOUTHFIELD, MI 48034			EXAMINER BROADHEAD, BRIAN J	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/683,605

Applicant(s)

SCHONDORF ET AL.

Examiner

Brian J. Broadhead

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 4,6-9,12-15 and 22-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4,6,12-14 and 27 is/are allowed.
- 6) ☒ Claim(s) 7-9,15 and 22-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the storing of a restraint power draw, storing deployment duration, deploying the fault time when it corresponds to the deployment time, and indicating that the RCM has been on a vehicle that has been involved in a collision, until such time when the RCM is serviced or replaced must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 15, 23, and 26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims recite limitation of a memory device that is unerasable, unresettable, and unoverwritable yet applicant's remarks state that general non-volatile memory is not sufficient. What is sufficient is not described in the specification and fails to meet the written description requirement.

4. Claims 15, 23, and 26 are rejected under 35 U.S.C. 112, first paragraph, because the best mode contemplated by the inventor has not been disclosed. Evidence of concealment of the best mode is based upon the lack of disclosure of any memory types that would fit the unerasable, unresettable, and unoverwritable limitation.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7, 8, 23, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muraoka, 6175794, in view of Turnbull et al., 2002/0158805.

7. Muraoka discloses a controller determining when to deploy a restraint, an indicator coupled to the controller for indicating that the RCM has been on a vehicle that has been involved in a collision, until such time when the RCM is serviced or replaced, and sensing a collision in figure 4, lines 7-8, on column 2, lines 55-65, on column 1, and lines 45-50, on column 7. Muraoka does not disclose storing deployment time.

Turnbull et al. teaches storing deployment time in paragraph 119. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the time stamping of Turnbull in the invention of Muraoka because such modification would allow reconstruction of vehicle accidents as taught by Turnbull.

8. Claims 9 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muraoka in view of Turnbull as applied to claims 7, 8, 23, and 26 above, and further in view of Rosenblath, 5850085.

9. Muraoka and Turnbull disclose the limitations as set forth above. They do not disclose storing the restraint power draw. Rosenblath teaches storing the restraint power draw on lines 33-34, on column 2. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teaching of Muraoka and Turnbull because such modification would enable reconstruction of vehicle accidents as taught by Turnbull. While Rosenblath envisions a testing stand outside of vehicles one

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of ordinary skill in the art would know that the same information would be useful to determine if an airbag operated correctly in a real world event.

10. Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turnbull et al., 2002/0158805, in view of Byon, 5847472

11. Turnbull discloses a memory device for storing a deployment time of a deployment device in paragraph 119; and a controller for storing the time in figure 6. Turnbull does not disclose storing operating time. Byon teaches storing operating time in lines 8-12, on column 3. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the operating time of Byon in the invention or Turnbull because such modification would provide more information of accident reconstruction.

#### ***Allowable Subject Matter***

12. Claims 4, 6, 12, 13, 14, and 27 are allowed.

13. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not disclose comparing the deployment time with a fault time and having an indicator indicate when the deployment time matches the fault time.

14. Applicant's arguments with respect to claims 4, 6-9, 12-15, and 22-27 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 571-272-6957. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
BJB

  
THOMAS G. BLACK  
SUPERVISORY PATENT EXAMINER  
GROUP 3600